

In re Appln. of Holland-Letz
Application No. 09/963,330

REMARKS

Applicant has carefully reviewed and considered the Office Action dated July 15, 2003, and the references cited therein. In response, applicant has amended claims 80, 88, 89, 94, 100, and 109 and added claims 114-119. Applicant believes that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Claims 80-113 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kopelman in view of U.S. Patent No. 375,773 to Rockwell. In response, applicant has made amendments to the claims and added new claims to further define the invention. It is respectfully submitted that the applied references do not anticipate or render obvious pending claims 80-119.

With respect to claim 80, there is no motivation to combine Kopelman and the secondary reference, Rockwell. In fact, such a combination would impermissibly run contrary to one of Kopelman's intended purposes for his invention, namely "to provide a type of ergonomic handle of the kind described for accommodating those who are both left and right hand dominant" (i.e., a "universal, ergonomic handle"). Kopelman, col. 2, lines 1-12. Modifying Kopelman to include the claimed center part that is asymmetrical relative to a plane including the maximum point of the convex portion and the longitudinal axis would render the modified Kopelman handle unsatisfactory for its intended purpose of providing a universal handle. Furthermore, the structure of Rockwell used in the proposed modification, namely the front and rear thumb faces b, c, is arranged such that the faces are arranged as on handles intended for right-handed users; the angles of the faces b, c are reversed when the handle is adapted for a left-handed user. See Rockwell, page 1, col. 80-85. Thus, the proposed modification would impermissibly result in a handle that is unsuitable for use by both a right-handed and a left-handed user. M.P.E.P. § 2143.01. As such, the proposed modification is unsupportable by the applied art.

Furthermore, even if modifying the Kopelman handle with the thumb faces b, c of the Rockwell handle as set forth in the Office Action were appropriate, such a modification would not result in the claimed invention which recites a center part having a convex portion. The Rockwell thumb faces are concave so that the thumb can firmly engage them. Rockwell, page 1, lines 64-74.

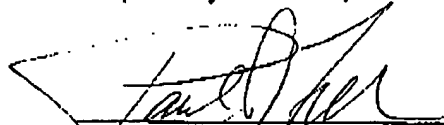
Accordingly the Section 103 rejection should not be applied to any of the pending claims.

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Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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